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10/600,029	06/20/2003	Gary Schneider	40116/03701	6358

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Fay Kaplun & Marcin, LLP
Suite 702
150 Broadway
New York, NY 10038

EXAMINER

REZA, MOHAMMAD W

ART UNIT	PAPER NUMBER
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2136

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12/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

AKK

Office Action Summary	Application No. 10/600,029	Applicant(s) SCHNEIDER ET AL.	
	Examiner Mohammad W. Reza	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the RCE filed on 10/02/2007.
2. Claims 1-29 are pending in the application.
3. Claims 1-29 have been rejected.

Continued Examination Under 37 CFR 1.114

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/02/2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-29 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As per claim 1, 13, and 24 **"the PIN code indicates an identity of the first device to the**

second device" does not disclose in the figures and specification of the present application. Examiner found that the PIN codes actually indicate an identity of **the user or merchandise or items at the point of sale** not the first device as claimed (see, figure 3, paragraphs 0004, 0021). The first device is the wireless bar code scanner and it just scans the barcode of merchandise or acquires input from a user. So, the PIN code it obtains from the user or merchandise, it represents that particular user or merchandise not the device which just scans it. "Once the first device obtains the PIN code from the user via the DCA, a pairing process is performed to compare the PIN code to entries in a database of authorized PIN codes. When the pairing process has been successfully completed, a link key is generated to establish the authenticated wireless communication between the first and second devices (paragraph 0004) "

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 10, 21, and 24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In these claims applicants mention **"first sample data", "second data" "third data", "...from the further device first data and request for second data (claim 24)"** which is generally narrative and indefinite

with the invention. Applicants do not point out clearly which options include in the present invention by these terms. So, this limitation is indefinite with the present application. The examiner will interpret these terms and limitations with the regarding claims as best understood for applying the appropriate art for rejection purposes. Appropriate correction needs to overcome the rejection.

Response to Arguments

7. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara hereinafter Ogasawara (U.S. Patent application 20020065728) in view of Laing et al hereafter Laing (US patent 5534857).

9 As per claims 1, Ogasawara discloses a method comprising the steps of: sending an initial signal by the first device to establish a wireless communication with the second device, the first device including only a data capturing arrangement ("DCA") as an input device interface with a user thereof (paragraph, 0043, 0045); initiating an authentication process by the second device; performing a pairing process to compare the PIN code to entries in a database of authorized PIN codes (paragraph, 0048, 0071-0073), obtaining the a PIN code from the user via the DCA, the PIN code being obtained by the DCA the PIN code indicates an identity of the first device to the second device; when the pairing process has been successfully completed (paragraph, 0015, 0050). He does not expressly disclose generating a link key to establish the authenticated communication between the first and second devices. However, in the same field of endeavor, Laing discloses generating a link key to establish the authenticated communication between the first and second devices (abstract, col. 1, lines 50-67).

Accordingly, it would been obvious to one of ordinary skill in the network security art at the time of invention was made to have incorporated Laing's teachings of establishing the link key with the teachings of Ogasawara, for the purpose of suitably using the scanning device to scan and continuing the communication with database server in secure manner (abstract, col. 1, lines 50-67).

10. As per claims 2-3, Ogasawara discloses the method wherein the databases is stored in a memory arrangement of the second device, wherein the first device is a mobile barcode scanner (paragraph, 0043, 0045).

11. As per claims 4-5, Ogasawara discloses the method wherein the first device communicates with the second device using Bluetooth technology, wherein the obtaining step further includes the following substeps: scanning a barcode using the DCA, the barcode being provided by the user as the PIN code, and converting the barcode into the PIN code using a processor of the first device (paragraph, 0015, 0050).

12. As per claims 6-7, Ogasawara discloses the method wherein the second device includes a wireless access point which communicates with the first device, wherein the first device includes an alerting arrangement notifying the user when to enter the PIN code (paragraph, 0048, 0071-0073).

13. As per claims 8-9, Ogasawara discloses the method wherein the alerting arrangement includes at least one of a speaker emitting a predetermined sound and a set of LEDs emitting a predetermined lighting pattern, wherein the obtaining step includes the following substeps: limiting a time period for the user to enter the PIN code to a predetermined time period, and refusing to accept the PIN code from the user when the predetermined time period has expired (paragraph, 0043, 0045).

14. As per claims 10, Ogasawara discloses the method wherein the pairing process includes the following substeps: providing first sample data by the second device to the first device, generating second data, by the first device, as a function of the first sample data, the PIN code and a hashing procedure; providing at least a portion of the second

data to the second device, generating third data by the second device as a function of one of the authorized PIN codes stored in the database, the second data and the hashing procedure; comparing the second data to the corresponding third data by the second device, and when the second data matches to the third data, generating an indication the pairing process is successfully completed (paragraph, 0048, 0071-0073).

15. As per claims 11-12, Ogasawara does not disclose the method wherein the link key is one of a temporary key which is effective only for a single session and a long-term key which is effective for multiple sessions between the first and second devices, establishing a secure communication between the first and second devices using a predetermined encryption technology. However, Laing discloses wherein the link key is one of a temporary key which is effective only for a single session and a long-term key which is effective for multiple sessions between the first and second devices, establishing a secure communication between the first and second devices using a predetermined encryption technology (abstract, col. 1, lines 50-67).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 11-12.

16. As per claims 13, Ogasawara discloses a system comprising: a first wireless mobile device including only a data capturing arrangement ("DCA") as an input device interface with a user thereof; and a second device receiving an initial signal from the first device to establish a wireless communication, the second device initiating an authentication process (paragraph, 0043, 0045), wherein the first device obtains a PIN code from the user via the DCA, the PIN code being obtained by the DCA the PIN code

indicates an identity of the first device to the second device (paragraph, 0015, 0050), wherein the first and second devices perform a pairing process to compare the PIN code to entries in a database of authorized PIN codes (paragraph, 0048, 0071-0073). He does not expressly disclose the first and second devices generate a link key to establish the authenticated wireless communication. However, in the same field of endeavor, Laing discloses the first and second devices generate a link key to establish the authenticated wireless communication (abstract, col. 1, lines 50-67).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 13.

17. Claims 14-23 are listed all the same elements of claim 2-12 but in system form rather than the method form. Therefore, the supporting rationales of the rejection to claim 2-12 apply equally as well to claim 14-23.

18. As per claims 24, Ogasawara discloses a processor, a wireless mobile device comprising: a processor; a wireless communication arrangement; and a data capturing arrangement ("DCA") being the only input device interface for a user thereof, the request being forwarded to the further device via the communication arrangement, the communication arrangement receives from the further device first data and a request for second data (paragraph, 0043, 0045), wherein the processor generates a request for establishing an authenticated wireless communication, the processor generating the second data as a function of the PIN code, the first data, the second data being provided to the further device (paragraph, 0048, 0071-0073), the DCA obtaining the PIN code from the user, the PIN code being obtained by the DCA from indicia on the further

device, , wherein the further device generates third data as a function of one of the authorized PIN codes stored in a database, the second data and the hashing procedure, and wherein, when the second data matched to the third data (paragraph, 0043, 0045). He does not expressly disclose the device generate a link key to establish the authenticated wireless communication. However, in the same field of endeavor, Laing discloses the device generate a link key to establish the authenticated wireless communication (abstract, col. 1, lines 50-67).

The same motivation that was utilized in the combination of claim 1 applies equally as well to claim 24.

19. Claims 25-29 are listed all the same elements of claims 3-8 but in device form rather than the method form. Therefore, the supporting rationales of the rejection to claim 2-12 apply equally as well to claim 14-23.

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad w. Reza whose telephone number is 571-272-6590. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOAZZAMI NASSER G can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Wasim Reza

AU 2136

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100


12,24,07